IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

THE HON'BLE MR. JUSTICE A. GOPAL REDDY

WRIT PETITION NO. 19818 OF 1994

DATED: 20-02-2006

BETWEEN:

Kesoram Cements Limited,

Basantha Nagar, Karimnagar Dist.,

Rep. by its Manager (Accounts).

……Petitioner

AND

Andhra Pradesh State Electricity Board,

Somajiguda, Hyderabad, rep. by its

Secretary and another.

……Respondents

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THE HON'BLE MR. JUSTICE A. GOPAL REDDY

WRIT PTITION NO. 19818 OF 1994

ORDER:

The writ petition is filed to issue a writ of Certiorari and quash letter No. SE.OP.KNR.SAQ.HT.JAQ.D.No.328 dated
17-10-1994 of the second respondent.

It is not in dispute that the petitioner who is a consumer earlier challenged the increase of fuel cost adjustment in Writ Petition No. 21741 of 1993 and the same was dismissed by this Court and confirmed by the Supreme Court. Thereafter, impugned letter was issued directing the petitioner to pay additional charges on fuel cost adjustment which has been withheld due to interim stay granted in the earlier writ petition and the same is the subject matter of challenge in the present writ petition.

The only submission made by the learned counsel for the petitioner is that in view of stay granted in the earlier writ petition, the Board cannot levy any surcharge.

In view of the law declared by the apex Court in ***KONARIA CHEMICALS AND INDUSTRICES LTD. vs. U.P STATE ELECTRICITY BORAD***, the challenge has to fail because once the writ petition is dismissed upholding the increase of fuel cost adjustment charges, consumer is liable to pay the interest and surcharge as the fuel cost adjustment charges were withheld by virtue of the stay granted.

In view of the same, the writ petition fails and it is accordingly dismissed. No costs.

A. **GOPAL REDDY, J**

20..02..2006

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